

DD/A 75-3086

22 AUG 1975

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : [REDACTED] - Disposition
of Complaint

Sir:

1. On 15 August 1975, you signed the attached memorandum subject: Notice of Final Decision of Agency to [REDACTED] outlining the decision on her complaint of discrimination. The Agency agreed to: (a) retroactively to 30 September 1974 change her status from contract to staff employment, and (b) retroactive to the same date, adjust her grade to that of a GS-07/5 (\$11,924).

2. On 20 August, [REDACTED] attorney, [REDACTED] contacted [REDACTED] of OGC to indicate that while the Civil Service examiner recommended adjustment of salary between GS-07/1 and GS-08/2, the Agency's selection of GS-07/5 pretty much equated to the GS-08/2 which would have been more acceptable to his client. From his conversation, it appears his client is just as interested in the prestige of the GS-08 as the dollar adjustment. On contacting [REDACTED] about receipt of the letter, she, too, indicated a question as to whether she would accept the Agency's decision, but suggested that further discussion be with her attorney.

3. In effect, [REDACTED] attorney made a counter-offer for Agency consideration and made a firm commitment that the claimant would accept the adjustment without further action. The counteroffer was retroactive establishment of her grade at the GS-08/2 level.

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4. At this point there are clearly two options available. One, hold firm on the decision made on 15 August that her grade be retroactively established at the GS-07/5 level. In this regard, I wish to emphasize that the offer of settlement was made in good faith and with a conscious effort to resolve the problem in a fair and equitable way, and within the guidelines provided by the Civil Service Commissioner. Two, retroactively establish [redacted] grade at the GS-08/2 level (this was the maximum grade and salary adjustment recommended by the Civil Service examiner). The basic reason for arriving at the GS-07/5 rather than the GS-08/2 (the dollar difference per annum is only \$104), is the obvious impact on the OMS nursing staff. There is a second nurse at the GS-07 level who has been aboard almost a year longer than [redacted] and who, no doubt, will ask for adjustment. In addition, OMS feels there will be considerable impact among the nurses generally when they learn that [redacted] has pursued her case successfully, particularly as it affects those who had served at the GS-07 level for a considerable period of time before being promoted to GS-08. It is understood the nurses have already gone to the Civil Service Commission and received CSC ratings higher than the grades they hold in the Agency.

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5. It would seem that your choice between the two options depends upon the extent to which you might want to settle the case quickly. On 22 August 1975, claimant's attorney advised [redacted] OCC that he fully intends to take the case to the CSC Board of Appeals and Review. In his judgment, he feels he can overturn the CSC examiner's recommendations and get favorable consideration for the GS-08. On the other hand, the complainant and her attorney will take no further action if her grade is adjusted to GS-08/2 at this time.

6. OCC is obliged to advise [redacted] attorney shortly as to whether or not we accept or reject the counter-offer. If we do not and they elect to take further action, they may (a) appeal to the Civil Service Commission (Board of Appeals and Review) within 15 calendar days of receipt of the decision, or (b) they may file a civil action in an appropriate U.S. District Court within 30 days of receipt of decision; (c) if they elect to appeal to the Commission's Board of Appeals and Review, they may file a civil action in a U.S. District Court within 30 days of receipt of the Commission's final decision.

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7. Despite the obvious concerns of OMS management in yielding to the request for the higher grade, they will of course, comply should you find it desirable to settle the case finally as quickly as possible.

/s/ John F. Blake

John F. Blake
Deputy Director
for
Administration

Attachment

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STATINTL

7. Despite the obvious concerns of OMS management in yielding to the request for the higher grade, they will, of course, comply should you find it desirable to settle the case finally as quickly as possible.



✓ John F. Blake
Deputy Director
for
Administration

STATINTL

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CS 82
W. C. Cally
22 AUG 1975